

Commonwealth of Massachusetts

ENF

Executive Office of Environmental Affairs ■ MEPA Office

Environmental Notification Form

<i>For Office Use Only</i> <i>Executive Office of Environmental Affairs</i>
EOE No.: 14050R MEPA Analyst: Bill GAGE Phone: 617-626- 1025

The information requested on this form must be completed to begin MEPA Review in accordance with the provisions of the Massachusetts Environmental Policy Act, 301 CMR 11.00.

Project Name: Herring Brook Meadow Residential Community		
Street: 126 & 132 Chief Justice Cushing Highway		
Municipality: Scituate	Watershed: South Coastal	
Universal Transverse Mercator Coordinates: N 3,055,900m, E46,069,800m	Latitude: 42°10'10.19" N	Longitude: 70°44'41.60" W
Estimated commencement date:	Estimated completion date:	
Approximate cost: \$19,000,000.00	Status of project design: 75 %complete	
Proponent: Herring Brook Meadow, LLC		
Street: 265 Newbury Street		
Municipality: Peabody	State: MA	Zip Code: 01960
Name of Contact Person From Whom Copies of this ENF May Be Obtained: Roderick Gaskell, AICP		
Firm/Agency: SITEC Environmental, Inc.	Street: 769 Plain Street, Unit C	
Municipality: Marshfield	State: MA	Zip Code: 02050
Phone: 781-319-0100	Fax: 781-834-4783	E-mail: rgaskell@sitec-engineering.com

Does this project meet or exceed a mandatory EIR threshold (see 301 CMR 11.03)?

Yes No

Has this project been filed with MEPA before?

Yes (EOEA No. 14050) No

Has any project on this site been filed with MEPA before?

Yes (EOEA No. 14050) No

Is this an Expanded ENF (see 301 CMR 11.05(7)) requesting:

a Single EIR? (see 301 CMR 11.06(8)) Yes No

a Special Review Procedure? (see 301CMR 11.09) Yes No

a Waiver of mandatory EIR? (see 301 CMR 11.11) Yes No

a Phase I Waiver? (see 301 CMR 11.11) Yes No

Identify any financial assistance or land transfer from an agency of the Commonwealth, including the agency name and the amount of funding or land area (in acres): **None**

Are you requesting coordinated review with any other federal, state, regional, or local agency? Yes No

List Local or Federal Permits and Approvals

Which ENF or EIR review threshold(s) does the project meet or exceed (see 301 CMR 11.03):

- | | | |
|---------------------------------|--|--|
| <input type="checkbox"/> Land | <input type="checkbox"/> Rare Species | <input type="checkbox"/> Wetlands, Waterways, & Tidelands |
| <input type="checkbox"/> Water | <input checked="" type="checkbox"/> Wastewater | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Air | <input type="checkbox"/> Solid & Hazardous Waste |
| <input type="checkbox"/> ACEC | <input type="checkbox"/> Regulations | <input type="checkbox"/> Historical & Archaeological Resources |

Summary of Project Size & Environmental Impacts	Existing	Change	Total	State Permits & Approvals
LAND				<input type="checkbox"/> Order of Conditions <input checked="" type="checkbox"/> Superseding Order of Conditions <input type="checkbox"/> Chapter 91 License <input type="checkbox"/> 401 Water Quality Certification <input checked="" type="checkbox"/> MHD or MDC Access Permit <input type="checkbox"/> Water Management Act Permit <input type="checkbox"/> New Source Approval <input type="checkbox"/> DEP or MWRA Sewer Connection/Extension Permit <input checked="" type="checkbox"/> Other Permits <input type="checkbox"/> DEP Groundwater Discharge Permit <input type="checkbox"/> Legislative Approvals
Total site acreage	15.34			
New acreage of land altered		2.20		
Impervious area (S.F.)	5,535	75,482	81,017	
Square feet of new bordering vegetated wetlands alteration		0.0		
Square feet of new other wetland alteration		0.0		
Acres of new non-water dependent use of tidelands or waterways		0.0		
STRUCTURES				
Gross square footage (Footprint)	2,536	27,073	29,609	
Number of housing units	1	58	60	
Maximum height	2-Story	3-Story	1-Story	
TRANSPORTATION				

Vehicle trips per day (Peak Hour)	1,058	34	1,092
AM	1,089	40	1,129
PM			
Parking spaces			120
WATER/WASTEWATER			
Gallons/day (GPD) of water use	330	13,750	14,080
GPD water withdrawal			
GPD wastewater generation/treatment	330	13,750	14,080
Length of Mains (in feet)			
Water			1,105
Sewer			970

CONSERVATION LAND: Will the project involve the conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97?

Yes (Specify _____) No

Will it involve the release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction?

Yes (Specify _____) No

RARE SPECIES: Does the project site include Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities?

Yes (Estimated Habitat of Rare Species mapped on project site. No work proposed within NHESP mapped area.) No

HISTORICAL /ARCHAEOLOGICAL RESOURCES: Does the project site include any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?

Yes (Specify _____) No

If yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources?

Yes (Specify _____) No

AREAS OF CRITICAL ENVIRONMENTAL CONCERN: Is the project in or adjacent to an Area of Critical Environmental Concern?

Yes No

PROJECT DESCRIPTION: The project description should include (a) a description of the project site, (b) a description of both on-site and off-site alternatives and the impacts

associated with each alternative, and (c) potential on-site and off-site mitigation measures for each alternative (*You may attach one additional page, if necessary.*)

A. Project & Site Description, Permitting Background

Proposed Project

The proposed project consists of a 60-unit residential condominium community on a portion of approximate 15-acre parcel of land at 132 Chief Justice Cushing Highway in Scituate, Massachusetts otherwise locally known as the "Watson Farm," together with an abutting parcel of land at 126 Chief Justice Cushing Highway (of approximately one-acre in size). The two parcels form the 15.34-acre project site. The project is to be constructed on roughly one-quarter of the total project site, or 3.67 acres. A set of revised, detailed engineering plans for the project entitled, "Herring Brook Meadow, LLC 126-132 Chief Justice Cushing Highway Scituate Massachusetts" prepared by SITEC Environmental, Inc. (SEI), dated January 10, 2008, Sheets 1-11 (hereinafter, the "SEI plans"), accompany this ENF filing.

The project proposal as presented within this new ENF and shown on the SEI plans is significantly improved over the prior plans. Comments received from the DEP site visit associated with the Applicant's Request for a Superseding Order of Conditions have been taken into consideration. Additional assessment of flooding and related wetlands issued, which were further clarified by DEP during this process, has been completed in a comprehensive letter report prepared by SEI to the DEP Wetlands and Waterways Section dated January 18, 2008. This letter report also accompanies this ENF filing.

In brief, the current project proposal incorporates a three (3) building design together with access drives, parking, utilities and infrastructure, limited to 3.67 acres of the 15+ acre project site. The project proposal remains more than 200 feet back from the edge of the Herring Brook Meadow as well as salt marsh on the site. Of the 3.67 acre project footprint, 2.2 acres are actually redevelopment of the two single family homes and appurtenant infrastructure that had been on the site. The remainder of the project site, approximately 11.63 acres, is largely undisturbed. In fact, as part of the project, the Applicant intends to ensure protection, through a Conservation Restriction and deed transfer, of more than 6 acres of open field and upland meadow. These areas, which account for nearly 40% of the entire project site, are proposed as follows: 4.82 acres to be permanently recorded via a Conservation Restriction and another 1.49 acre portion to be transferred to an appropriate non-profit or public entity.

Project Site

The larger tract of the project site, 132 Chief Justice Cushing Highway, locally known as the "Watson Farm," is dominated by open field created by well documented historic farming activities. The historic agricultural activities are documented in a report, with supporting aerial photographs, entitled, "Agricultural

Use of Herring Brook Meadow Land Scituate Massachusetts” dated April 11, 2007 prepared by Lester Garvin, expert aerial photographic interpreter. The Garvin report and aerial photographs were submitted to the Scituate Conservation with a Request for Determination on August 22, 2007. The Commission’s Determination of Applicability has been appealed to DEP. Accordingly, a copy of the Garvin report and aerial photographs were sent to the Department with the Request for Superseding Determination of Applicability on September 25, 2007. In the recent past, the former Watson homestead and garage were removed from the site, but its septic system remains in place.

The smaller, one-acre tract of land, at 126 Chief Justice Cushing Highway, is currently improved by a single-family home, two-car garage, septic system and above-ground pool.

As proposed by the Applicant, nearly two-thirds of the development fill footprint (totaling 3.69 acres) will fall within the portion of the combined project site previously occupied by these two homes and associated garages and appurtenances.

While outside of the 3.69 acre building envelope, approximately one-third of the project site is salt marsh, bordering on the First Herring Book. Also, of the total project site, approximately 80 percent of the site is within the 100-year FEMA floodplain. The proposed project, to the extent possible, is located outside the 100-year floodplain (A-Zone), however approximately 50 percent of the area to be developed falls within the upper edge of the A-Zone. See Project Plans, Sheets 2 and 8. No portion of the project is within V-Zone.

Permitting Background

As background, the Applicant, Herring Brook Meadow, LLC, first submitted its application for a 40B Comprehensive Permit to the Scituate Zoning Board of Appeals in November 2006. As originally submitted to the Zoning Board, the project proposal consisted of a five (5) building design, access driveway, associated utilities together with a set aside of more than 6 (6) acres of the historically farmed Watson Farm field.

Because the locus is within a Zone II of a public drinking water supply, the project includes construction of a wastewater treatment facility to process the wastewaters of the multi-family project, triggering the filing of an Environmental Notification Form (ENF) pursuant to the MEPA Statute and its Regulations at 301 CMR 11.03. The Applicant had initially submitted an ENF with the MEPA Unit on June 15, 2007. Thereafter a site visit occurred on July 11, 2007 and the public comment period commenced. It was during this timeframe, the Applicant had received comments and feedback from the Scituate Zoning Board and its consultants on the site design.

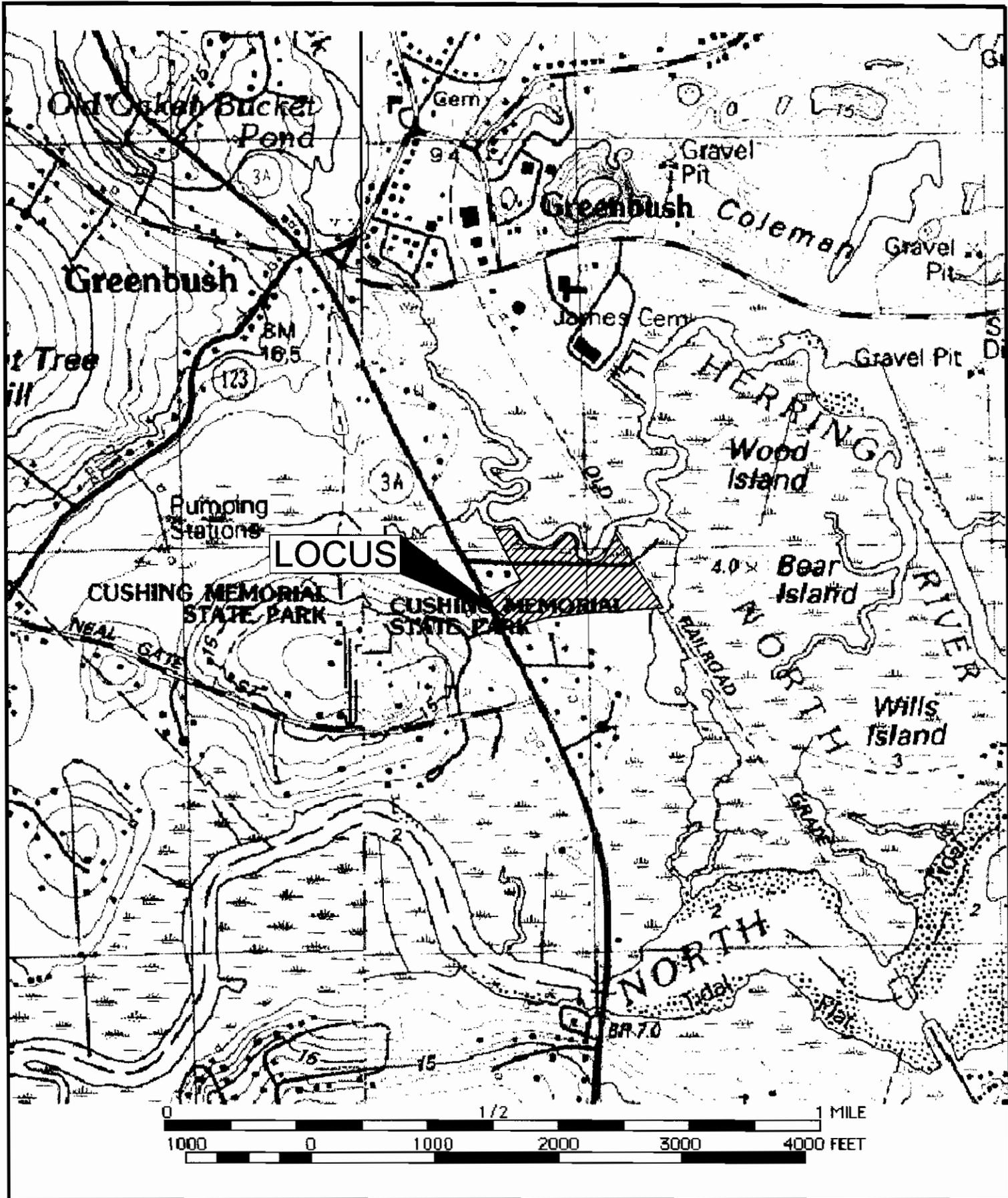
Based on the Applicant’s decision to re-engineer components of the project to

address the comments raised within public forums, such as those relating to flooding and wetland issues, the Applicant requested of the Secretary to withdraw the ENF, in mid-August 2007, indicating that it would be refilling in the future based on revised plans.

In October 2007, subsequent to working meetings with members of the Zoning Board and open for public participation, the Applicant submitted a revised plan design to the Scituate Zoning Board of Appeals. Notable components of the revised plans included the reduction in buildings, from five (5) buildings to three (3) buildings, as well as the relocation of the wastewater treatment facility components to less environmentally sensitive areas on the site. The Zoning Board denied the requested Comprehensive Project based on insufficient information and the matter now sits on appeal before the Housing Appeals Committee. Likewise, the prior project proposal was initially reviewed by the Department of Environmental Protection ("DEP") as the Applicant appealed certain conditions of an Order of Conditions issued by the Scituate Conservation Commission under the Wetlands Protection Act, M.G.L. c.131, §40. An appeal also was taken by some of the nearby residents.

In addition to reducing the footprint associated with the physical layout of the buildings and infrastructure, the Project Plans have utilized conservative delineations for Isolated Land Subject to Flooding (ILSF), beyond the approved ILSF delineation in an Order of Resource Area Delineation issued by the Scituate Conservation Commission in November 2004. The Project Plans provide for more than 100 percent compensatory storage for the detailed ILSF delineation. Also, during the DEP site visit associated with the appeal of the OOC issued for the project, abutters had questioned whether there also existed (isolated) vegetated wetlands within the ILSF area. While not a recognized resource area under the Wetlands Protection Act, the Applicant nonetheless requested the US Army Corps of Engineers to make a determination under federal wetlands regulations. The ACOE has issued a written determination that no vegetated wetland is contained therein, based upon its site inspection and review. (Ref. accompanying additional analysis, flooding and related wetlands issues SEI Letter Report to DEP, January 18, 2008, Attachment I.)

The project proposal as shown on the SEI plans includes a reduced building height from four (4) floors to three (3) floors and also incorporates an improved internal traffic circulation design and increases in setbacks to adjacent property lines and the front street (Route 3A) right of way line. The SEI plans similarly detail the wastewater treatment facility fully outside of the 100-year floodplain and likewise include no fill material within any portion of the Riverfront Area, which is located to the rear of the site. (As background, the original plans submitted with the Applicant's 40B proposal had included some fill within Riverfront and also had located components of the wastewater treatment facility within the 100-year FEMA flood zone.) The current engineering improvements have resulted in a reduction in the fill footprint by approximately 10,250 cubic yards.



BASE IMAGE: USGS TOPOGRAPHIC MAP - SCITUATE L 1984

drawing title:
LOCUS MAP

scale:
AS SHOWN

HERRING BROOK MEADOW, LLC
 126 & 132 CHIEF JUSTICE CUSHING HWY.
 SCITUATE, MASSACHUSETTS

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